THE NATURE and USEFULNESS OF Solemn Judicial SWEARING, WITH THE IMPIETY and MISCHIEF OF Vain and False-SWEARING: IN A SERMON Preached *July* 14th, 1681. IN THE Cathedral Church of S. *PETER* IN YORK, At the ASSIZES for that County.

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And thou shalt Swear the Lord liveth, in Truth, in Judgment, and in Righteousness, Jerem. IV. 2.

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HEBREWS VI. 16.

For Men verily Swear by the Greater, and an Oath for confirmation is to them an end of all ſtrife.

AS Almighty God is the Creator, ſo he is alſo the Governour of all the World, and hath an unqueſtionable right to rule over every Creature; He was the Maker, and *is the Judge of all the Earth* (*a*). And though he doth not exerciſe this Power immediately, becauſe Mortal men cannot ſuffer the Glories of his dazling and illuſtrious Preſence, yet he ordains the Rulers of the World to be his Vicegerents: *There is no Power but of God, the Powers that be are ordained of God* (*b*); and he expects we ſhould *be ſubject to them for his, and for Conſcience ſake* (*c*); ſince their Authority is of Divine Original, which the Scripture intimates, in calling Judges by the name of

(*a*) Gen. 18. 25.

(*b*) Rom. 13. 1.

(*c*) *Ibid.* v. 5. 1 Pet. 1. 13.

Gods (*d*), (a Title commonly given them by the *Jews*) as also in declaring, *They judge not for Man, but for the Lord* (*e*); whence one of the Ancient Fathers brings in Almighty God thus speaking to the Judges; *I have given you my Honour, my Commission, and my Name, therefore do you judge as I my self would do* (*f*). Yea, it was Law (*g*), and Custom (*h*), both of old in this Nation (as our own best Authors inform us) *To place the Venerable Book of the holy Gospels before the Tribunal of Justice:* as an Emblem, that they Judged by his Authority. But there is no clearer evidence of the Divine Original of Humane Judicatures, than the solemn use of *Oaths*, there: Which are a plain recognizing God as the Supream Judge of all, and an Appeal to the High Court of Heaven; For though the Sovereign of the World do communicate his Authority to our Magistrates, yet his Attribute of *Omniscience* is incommunicable; they are capable of representing his Person, but not able to discern the Hearts and Thoughts of others. Wherefore, since there is one part of Gods Judicial Perfections, that no Mortal Judge can receive, *viz.* the knowledge of Mens Thoughts

(*d*) Exod. 23.28. Κριταὶ ἔλεγον εἶναι Θεοὶ πατρίω τινι Ἰουδαίων ἔθει· Orig. in *Cels.* l.4.

(*e*) 2 Chron. 19.6.

(*f*) Ἔδωκα ὑμῖν, τιμὴν τὴν ἐμὴν, καὶ τὴν τάξιν, καὶ τὴν κλῆσιν ὥς οὖν ἐμοῦ κρίνοντος οὕτω κρίνατε· Resp. ad *Orthod.* Quest. 142.

(*g*) *Sarisburiens. Polycr.* lib. 5. c. 12.

(*h*) Chron. *Wil. Thorn.* col. 2048.

Thoughts, a Point so necessary, that no infallible and certain Judgment can be given without it: Therefore in all Controversies, where the Parties make contrary Affirmations, there lies an Appeal *to the Greater* (*i*) and higher Judge, that is, to God, the greatest of all; which Appeal being in order to end the *Strife*, and to find out which of the contradicting Parties speaks true, is called *an Oath*, and here described by the Apostle, when he saith, *For Men verily swear by the Greater, &c.*

(i) ὁ μείζων in the Text, *Hellenisticè Comparativum pro Superlativo*, i.e. ὁ μέγιστος.

And certainly this use of Oaths is very Sacred, and most necessary, being a clear manifestation of Gods glory, an evident Testimony of the Divine Original of the Magistrates Power, and the great support of the Administration of that Justice which is the Bond of all Societies. But yet there are some so ignorant and absurd as to deny they are lawful, others so stupid and inconsiderate to take them without Reverence, and swallow them as Common things; yea, too many so Impious to use them to gain credit to what they know to be false. For the redress of which dangerous Errors and Impieties, I suppose it will be a very seasonable and use-

ful undertaking upon this occaſion to explain this piece of Holy Scripture,

For Men verily Swear, &c.

Wherein we will firſt conſider the Apoſtles general deſign in this place, which will prove the lawfulneſs of Taking Oaths in Judicial Caſes. Secondly, we will obſerve the ſeveral particulars contained in the words; which repreſent to us, 1. The Nature of an Oath, *For Men verily ſwear by the greater.* 2. The Reaſon of an Oath, *viz. for Confirmation.* 3. The End and Uſe of it in Judgment, to be *an end of all Strife.* And ſince a Religious Oath is the foundation of all our Adminiſtrations of Juſtice, the main hinge upon which all theſe Controverſies turn, the only ſecurity that the Reverend Judges, the Jurors, and the Witneſſes do give, that they will ſpeak and act uprightly: doubtleſs no Subject can be more ſuitable or advantagious for this time and place; which therefore we will proſecute in our propoſed Method.

Firſt, We conſider the Apoſtles general deſign, and the occaſion of bringing in theſe words here: And we may obſerve, He is here perſwading the *Hebrews* to imitate their Pious

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Anceſtors, in relying on the Truth of God, exhorting them *to be followers of them, who by Faith and Patience inherited the Promiſes*, v. 12. adding, that the Promiſe it ſelf was worthy to be truſted, becauſe it had the higheſt and moſt ſolemn *Confirmation* imaginable, being ſecured by *the Oath of God*, and that no common Oath neither. Not ſuch as the Poets feign the Heathen gods took, whom *Lactantius* derides for their ſwearing by the *Stygian* Lake, a thing meaner than themſelves (*k*). But as Sovereign Princes having no equal in their Kingdom, whoſe Witneſs can add any Authority to their Solemn Acts, conclude them with a *Teſte me ipſo*, and are Witneſſes to themſelves: ſo the King of Kings, *when he made the Promiſe to* Abraham, *becauſe he could ſwear by no greater, ſwear by himſelf*, Ver. 13, 14, 15. *Confirming his Promiſe* (ſaith *Philo*) *by an Oath worthy of God, —and therefore he did not ſwear by any other, becauſe there was none greater nor better than he* (*l*). And leſt any ſhould object, What need there was for the God of Truth to ſwear, *who is ſo far from being made more credible by an Oath* (as the ſame *Philo* notes) *that he only makes an Oath to be firm* (*m*); and

(k) *Lactant.* Inſtit. l. 1. c. 11.

(l) *Philo* le-gis Allegor. l. 2. pag. 98.

(m) *Philo* de Sacr. *Cain* & *Abel*, p. 146.

and (as S. *Ambroſe* ſpeaks) *He alone is the Judge of them that Swear, and the Avenger of them that Swear falſly* (*n*). Therefore the Apoſtle prevents that ſcruple, in the words of the Text, by declaring, that an Oath was not neceſſary with reſpect to God, who made the Promiſe, but in compliance to Men who were to receive it; in condeſcenſion to their infirmity, He was content to imitate Human Cuſtoms, and to give the ſame Security for his own truth, which men are wont to give for theirs; *For men verily ſwear by the greater, &c.* that is, This is the way (ſaith our Apoſtle) by which Men confirm things uncertain, this is the method they uſe to conclude, πασὴν ἀντιλογίαν, all *doubtful Controverſies* where one affirms what the other denies, the higheſt and beſt Means they have to end this *Strife* (which otherwiſe would not ceaſe) is to make the Parties Swear by the Name of God. And the Divine Majeſty was pleaſed to take our meaſures in tranſacting his Covenant with us, for he Swear to confirm it, not by a Greater indeed (as we do) becauſe there was no greater, but *by himſelf.* Gen. xxii. 16. *By my ſelf have I ſworn, ſaith the Lord, &c.* and upon this

(n) *Ambroſ.* de eod. T. 1. p. 147.

Abra-

Abraham did believe the Promiſe, and ſo ought we alſo.

Now from the words thus explained we infer, *That it is lawful for Chriſtians to uſe an Oath for confirmation in ſolemn Caſes.* We ſee that God did take an Oath, and *if Oaths were evil in themſelves, 'tis certain God would not ſwear* (o), ſince he can neither do nor be *tempted to do evil*, James I. 13. yea his Swearing certainly proves, it is good in its own nature: and His Oath being deſigned to comply with human Cuſtom, as a confirmation of the Truth of his Word on a great and juſt occaſion; by this Imitation and deſign, God hath ratified and approved our ſolemn uſe of Oaths in deciding Differences. This one Act of his declaring it lawful to Swear in all ſuch Caſes. Beſides, the Apoſtle here relates the uſe of Oaths in Judgment, ſuppoſing it univerſally practiced by *Gentiles*, *Jews*, and *Chriſtians* at that time; for he ſaith (not ye *Hebrews* ſwear, or ye (before your Converſion) did ſwear; but) *Men verily ſwear, &c.* that is, all Men do it now. Nor doth he on this occaſion give any intimation either of his diſlike of this general Cuſtom, or that it was not to be allowed

(o) *Si enim per ſe malum eſſet jurare profectò Dominus non juraſſet.* Decret. l. 2. Tit. 24. c. 6. p. 895.

allowed to the Christians so to do: wherefore we may conclude from his recording this usage without making any exception to it, and his justifying it from the Example of *God* himself, that the Apostle did allow and approve this use of Oaths.

But our obstinate Adversaries, without considering how to answer these Arguments, will presently object, That Christ saith, *Swear not at all*, Math. V. 34. and S. *James* adds, *Above all things, my Brethren, swear not*, Jam. V, 12. as also that some of the Ancients, as well *Heathens* as *Christians*, seem by some pickt Sentences to forbid all use of *Oaths*.

To which I shall reply, That since 'tis impious to suppose those Scriptures can contradict this Text, it is reasonable to believe, that some other kind of Swearing is there forbidden, and not that which is commended here; and it is very plain to unprejudiced Men, that our Saviour is speaking of no other Oaths, but those used in Common discourse, for the next words are, *but let your Communication be yea, yea; nay, nay*, ver. 37. which shews, he was treating only of *Oaths* in our ordinary Communication, which might be wholly prevented

vented, if in our common talk we barely affirmed things by a plain *yea*,or *yes*, or barely denied them by a plain *nay*,or *no*: and the inſtances he gives of ſwearing *by Heaven*, *by Earth*, *by Jeruſalem*, and *by their Head*, ver.34, 35,36. were all of that ſort of Oaths which the *Jews* uſed in their uſual diſcourſe,and not one of them was ever uſed in Judgment, where they only ſwear *by the living God*,Math. xxvi.63. Indeed the *Phariſees*, to take the *Jews* off from the wicked cuſtom of ordinary Swearing by Gods Name, did allow them in their common talk to ſwear by theſe leſſer things, perſuading them there was little danger in them, and no great obligation by them, *Math.*xxiii.16, &c. But *Jeſus* reproves this falſe gloſs of the Third Commandment, declaring, that in our Communication one with another we muſt not ſwear at all, neither by God nor the Creatures; for in our uſual diſcourſe a bare Yes or No is enough, and whatever is more, comes from either the evil cuſtom of the Speaker, or the evil and jealous temper of the Hearer. And S. *James* only repeats and applies his Maſters words, warning the Chriſtians to take great heed they did not uſe that liberty given them

by the *Jewiſh* falſe Teachers, to ſwear in their uſual talk by Heaven, or by Earth, or any other Oath; but to be ſure always to affirm what was to be affirmed by a plain, Yea, and deny what was to be denied by a ſingle, Nay; leſt they fell under Gods condemnation for profaning his Name (*p*); or (as ſome of the beſt Copies read) *Leſt by a common careleſs uſe of Oaths, they fall into that accurſed Hypocriſie of binding raſh and falſe words with Oaths, as cuſtomary Swearers uſe to do.* This is all can be fairly inferred from theſe two places, and therefore we conclude, they forbid only Common Swearing, and not that Religious and Solemn Swearing in Judgment, which this Apoſtle here approves and commends.

(*p*) Jam. 5. 12. Græc. ὑπὸ κείνην· *at alii libr. leg.* εἰς ὑπόκρισιν· *Vid.* Eraſm. *Verſ.*

And the Practice of the beſt Chriſtians abundantly aſſures us, it was never believed that ſolemn Oaths on great Occaſions were forbidden in the Goſpel. *This Apoſtle S.* Paul, *who certainly knew his Maſters mind* (ſaith S. *Auguſtine*) *did Swear* (*q*); for his ſaying in weighty caſes, *God is my witneſs*, Rom. I. 9. and, *Behold, before God I lie not*, Galat. I. 20. are as plain Oaths (in that Father's Opinion) as can be ſpoken. And though the Primitive Chriſtians refuſed to Swear *by the Emperors Genius*,

(*q*) *Apoſtolus utique noverat præceptum Domini, juravit tamen.* Aug. *in Ep.* Galat. *cap.* 1.

or

or by any of the *Dæmons*, ſince thereby they had acknowledged them to be gods; yet *Tertullian* ſaith expreſly, *But we alſo ſwear, By the Emperors Safety* (r), that is, by God, who is the Author of it. 'Tis certain the Chriſtians were Souldiers under Heathen Emperors, and yet they could not be liſted without taking an Oath, which was given to the Souldiers ſtill, even when the Emperors were become Chriſtian, only with ſome alteration in the form; For then they ſwore, *By God*, and *Chriſt*, and *by the Holy Ghoſt*; *By the Majeſty of the Emperor, which next to God is to be loved and honoured of all* (s). And *Optatus*, who lived at the ſame time, ſaith, *God is wont to be named by Men in ſwearing to confirm the Truth* (t). An ancient and genuine Synodical Epiſtle, written from the Orthodox Biſhops about *Alexandria*, *An.* 339. declares, That the Chriſtian People there bound theſe Biſhops by Oath, to chooſe *Athanaſius* for their Paſtor (u), and mentions *Euſebius* of *Nicomedia*, accuſing the ſaid *Athanaſius*, and ſwearing to the Accuſation (w). And the ſame Holy Confeſſor, *Athanaſius*, in his Apology to the Emperor, clears himſelf by an Oath from thoſe Slanders (x). *Theophronius*, a Chriſtian Biſhop,

(r) Tertul. *Apol. cap.* 32. *p.* 28.

(s) Vegetius *de re Militari, l.* 2. *c.* 5. *circ. An. Chriſti* 370.

(t) Optat. Milev. *lib.* 2. *pag.* 58.

(u) *Epiſt. Synodal. ap.* Bin. *Tom.* I. *p.* 1. *pag.* 403.

(w) *Ibid. p.* 404.

(x) Μάρτυρα τὸν Θεὸν ἐπικαλοῦμαι ὅτι τὴν εἰκυῖαν ψυχὴν· *Apolog. ad* Conſtant. *Tom.* I. *pag.* 674.

Biſhop, begins his Confeſſion of Faith in the Council of *Antioch*, *An.* 341. with a ſolemn Oath (*y*). *Syneſius* likewiſe, a Primitive Biſhop, being choſen Arbitrator in a certain Controverſie, makes one of the Parties who was of the Epiſcopal Order, *bind his Promiſe by an Oath* (*z*). S. *Hierom* relates the ſolemn Oaths, wherewith *John* Patriarch of *Jeruſalem* (*a*), and *Ruffinus* (*b*), did confirm their Aſſertions; and though both theſe were his Adverſaries, and he bitterly inveighs againſt them for ſmall Crimes, yet he blames them not for Swearing: and he alſo obſerves, that S. *Auguſtine* ſwears to confirm an Aſſertion, yet never checks him for it, though he was then angry with him (*c*). A whole Council of Biſhops judging *Sabatius* unworthy of the Epiſcopal dignity, made him ſwear, never to accept it (*d*). And the Moderator of the Conference at *Carthage*, between the Orthodox and the Donatiſts, ſolemnly ſwears, *by the Holy Trinity*, he will judge impartially (*e*). Yea, the Civil Laws of *Arcadius* and *Honorius*, decree ſevere penalties to them who would not ſtand to thoſe Agreements which they had confirmed by an Oath, either *by the Name of God*, or *by the ſafety of the Emperor* (*f*). And

(*y*) Binius, *Tom.* I. *par.* 1. *pag.* 416.

(*z*) Ὄρκῳ τὴν ὑποσχεσιν βεβαιῶσω· Syneſ. *Epiſt.* 67. *pag.* 213.

(*a*) Hieron. *adverſ.* Joh. Hieroſol. *Tom.* II. *pag.* 259.

(*b*) *Idem adv.* Ruffin. *Apol. Tom.* 2. *p.* 323.

(*c*) Hieron. *Epiſt.* 90. *Tom.* 2. *pag.* 538. & Ep. 92. *pag.* 541.

(*d*) Socrates *hiſtor. lib.* 5. *cap.* 20. *pag.* 694.

(*e*) *Collat.* Carthag. I. *Cap.* 5 *apud* Bin. *Tom.* 1. *pag.* 648.

(*f*) *Invocato Dei Omnipotentis nomine —& PP.— ſalutem Principum, confirmationem initarum juraverint eſſe pactionum.* Cod. *Juſtin.* l. 2. tit. 4. Pl. 41. *Si quis*, &c.

in

in the Council of *Toledo* the Prince adjures his Biſhops moſt ſolemnly to determine uprightly (*g*). By theſe, and inumerable more Inſtances (which we have omitted, either as more common, or of later date) it clearly appears, that the Primitive Chriſtians did think ſolemn Oaths lawful, and frequently uſed them: Nor were any Oaths forbidden by the ancient Canons, but only *Pagan Oaths* (*h*); they indeed who uſed them, were to be Excommunicated. But none ever pretended, that Chriſtian Oaths by the Name of the True God were forbidden by the Goſpel, till the groſs Times of Popery; and then *Turgot* and *Aldwin*, two Fanatick Monks of S. *Cuthberts*, being in *Scotland*, refuſed to ſwear Allegiance to King *Malcolm*, on pretence, *Swearing was forbid in the Goſpel* (*i*); though theſe Hypocrites had Sworn to the Rules of their Orders before. And a little after the Monks of *Caſtellion* had ſome ſcruples, whether it were lawful for them to Swear, alledging the ſame Texts and Reaſons that our modern Sectaries urge, as may appear by *Innocents* Anſwer to them (*k*). Wherefore it is from Popiſh Enthuſiaſts, and not Primitive Chriſtians, that our deluded Quakers learn to refuſe all Swearing. But

(*g*) *Concil.* 8. Toletan. *An.* 653. Bin. *Tom.* 2. *par.* 2. *p.* 484.

(h) Ὅρκος Ἑλληνικός. Baſil. *Mag. Can.* 81. *ap.* Bevereg. *Tom.* 2. *p.* 13. *& Concil. in* Trul. *Can.* 94. Bever. *T.* 1. *p.* 270.

(*i*) *Evangelicum præceptum ſervantes.* Simeon Dunelm. *l.* 1. *cap.* 22.

(*k*) Decretal. *lib.* 2. *tit.* 24. *cap.* Etſi Chriſtus, *al.* 894.

But this ſhort and clear account of the Senſe of Holy Scripture, and the Opinion and Practice of the beſt Chriſtians may abundantly ſatisfie all that are unprejudiced, That Solemn Oaths in Judgment, are not only very lawful, but uſeful and neceſſary, and have been uſed by all Men of all Religions as moſt Sacred things: *For Men verily ſwear, &c.* that is, all Men do ſo, and God imitates the uſe, and S. *Paul* records it with approbation. Yet, that Mens irreverent taking, and impious breaking of Oaths, may not prejudice this uſeful Inſtitution, nor be an offence to ſuch as are really tender; I ſhall paſs from this proof of the Lawfulneſs of Swearing in general, to conſider the Particulars of the Text: wherein,

Firſt, the nature of an *Oath* is implied in theſe words, —κατὰ τοῦ μείζονος ὀμνύουσι· *For Men verily ſwear by the greater.* Whence it appears, that an Oath is an Appeal to a Higher Power, to One Greater in knowledge, who ſees if we deceive, and cannot be deceived; to one Greater in Integrity and Truth, who will not connive at Falſhood, nor reſpect Perſons; to one Greater in Power, who can as eaſily puniſh as find out Perjury, and caſt the Perjur'd wretch

wretch into Hell Fire: wherefore every Oath ought to be made by the Supream Being, and all that define it, ſay, it is, *The calling God to witneſs* (*l*). *The giving God for the ſecurity of our Fidelity* (*m*); and is not to be uſed, but only *when our words cannot be made certain without calling in the Divine Majeſty* (*n*). And hence it is made a Duty, and reckoned a part of Religious Worſhip, to Swear by the True God, *Deut.* vi. 13. and becauſe Oaths in Judicature were always made by Gods Name, therefore ſuch an Oath is called, *An Oath of the Lord*, Exod. xxii 11. and ſome think *Solomon* gives the Oath of Allegiance that Name, when he bids us obey the King, *becauſe of the Oath of God*, Eccleſ. viii. 2. Indeed all Nations are wont to ſwear by their proper gods; ſo that there is the ſame variety in Mens Oaths, that is, in their Religion. In the League between *Hannibal* and the King of *Macedon*, they ſwear by above Twenty ſeveral gods of *Afric* and *Greece* (*o*). And in an older general League among all the *Grecian* Cities, every place was to take *their Country Oath, and ſwear by the greateſt Deity of their own City* (*p*). So the Heathen Poet requires the *Jew* to ſwear to him by *Anchialus*, that is, as the *Romans*

(l) Μαρτυρία Θεῦ· Philo *leg. alleg.*

(m) Πίστωσις ἐμμένειν τῷ Θεῷ· Nazianz.

(n) Φάσις ἀναπόδεικτος· μετὰ θείας μεγαλήψεως· Ariſtot. *Rhet. c.* 18.

(o) Polybii, *hiſtor. lib.* 7.

(p) Τὸν ἐπιχώριον ὅρκον —& p.p. τὸν μέγιστον ἐξ ἑκάστης πόλεως· Thucyd. *hiſt. l.* 5.

mans falſly pronounced, *by the living God*, חי אלהים אם (*q*) And the Chriſtians made the *Jews* ſwear by the Hebrew Names of God, *Adonai*, *Sebaoth*, *Elohim*, &c. (*r*). And from this belief, That in an Oath a man appealed to the God he worſhipped, ſprang the cuſtom of Sacrificing, when Men did ſolemnly Swear (*c*). And the uſe of going into the Temples and touching the Altars, when they took a Religious Oath (*t*), to put them in mind they were in the immediate preſence of that God by whom they ſwore. To which end alſo the *Gentiles* ſometimes in ſolemn ſwearing touched the Images of their gods. (*u*). Whence the Papiſts (the groſs Imitators of Pagan Superſtition) have derived their Swearing upon the Reliques and Images of their Saints, to whom they do by this Act give the honour due to God only. As for us, We ſwear by no other Name, but only by the Name of GOD, laying our hands upon the Holy Bible, becauſe all the Promiſes made to *Truth*, and the Curſes againſt *Perjury*, are written there, devoting our ſelves to want all the good therein promiſed, and to ſuffer all the evil therein threatned, if we ſwear falſly: And we make God himſelf the ſole

(q) —*jura per* Anchialum. Martial. *l.*11 *ep.*60.

(r) Digeſt. *lib.* 5. *Tit. De juram. Jus* Græco-Rom. *T.*1. *pag* 119.

(*s*) Gen. 31. 54.

(t) 1 Kings 8. 31. *Si aram tenens juraret.* Cicero *pro* Flacco.

(u) *Contingens ipſa ſimulachra & pulvinaria Deorum.* Juſtin. *hiſt. l.*24.

ſole Judge of that, to whoſe Omniſcience, Truth, and Omnipotence, we appeal, as knowing our heart, and call on him as the Witneſs of our Truth. So that this kind of Swearing is an Act of Religion, a part of Divine Worſhip, and was anciently called by the name of *Religion* it ſelf (*w*), and had the Title of *Sacramentum*: For there is no way in the World by which we do more honour the Wiſdom and Power, the Juſtice and Truth of God, than by this higheſt Appeal; and therefore it is a part of his Honour, which he will not give to any other, nor can we ſwear by any Creature without being guilty of Idolatry; the Creatures are our Fellow-ſervants, and not enough above us to be the objects of our ſolemn Oaths: *For Men verily ſwear by the Greater, &c.*

(w) *Jusjurandum eſt affirmatio religioſa.* Cicero *de Off. l.* 3. *Primum militiæ vinculum eſt religio.* Senec. *Ep.* 95.

Now from this account of the nature of an Oath we infer two things: Firſt, That *Oaths* are a part of that Religious Worſhip due only to God, and ſo it is not lawful to ſwear by the Creatures. The *Phariſees* of old permitted it, out of a pretended Reverence to the Name of God; but *Chriſt* and S. *James* both forbid it. As for the Heathens that worſhipped the Creatures, no wonder if

they ſwore by them; but it was a ſilly Superſtition in *Socrates*, to ſwear by any thing he ſaw, as a Dog, or a Gooſe, &c. that ſo he might avoid ſwearing by thoſe he eſteemed gods, as *Apollonius* makes the excuſe for him (x): and the Ignorance of the *Mahometans* may make ſome Apology for their Swearing by ordinary Beings, ſince their great Prophet ſwears in his *Alcoran*, *By the Wind and Clouds*, *by the Stars*, and *by Mount* Sinai: But who can excuſe Chriſtians for this wicked Cuſtom of ſwearing by the Creatures in ordinary diſcourſe, contrary to Chriſt's expreſs Precept? I am ſure *Tertullian* reckons theſe kind of Oaths to be one ſort of Idolatry (y); and the Cuſtom is both fooliſh and impious, *Fooliſh*, becauſe they ſwear by that which is leſs, or not greater than themſelves, which neither knows if they Forſwear, nor can puniſh their Perjury; *Impious*, becauſe it gives Divine honour to a Creature: a Sin ſo groſs that the later *Rabbins* do condemn it, and one of them ſays, *He that ſwears by any thing beſides the Name of God, ſhall be rooted out of the World* (z). So that we may well ſuppoſe theſe vain and wicked Oaths among Chriſtians, are Reliques of Pagan Idolatry, that

(x) Apollon. *ap.* Philoſtr. *l.* 6. *cap.* 9.

(y) *Conſuetudinis vitium, dicere mehercule, aut mediùs fidius, accedente ignorantiâ quorundam qui ignorant juſjurandum eſſe per* Herculem. Tertul. *Idol. c.* 21. *pag.* 98.

(z) Moſes Mikotzi, *Præcep. affir.* 113.

that have continued ever ſince the Creatures were worſhipped as gods; as the ſwearing *by Saints* and *Angels* is a remnant of Popiſh Superſtition, introduced by thoſe who firſt gave them Divine honour, and therefore to be utterly rejected by us, together with thoſe Evil Principles upon which they began.

Secondly, we infer from the former deſcription of an Oath, That when we do Swear by the Holy Name of GOD, we ſhould do it with all the ſolemnity of a Grave and Religious Reverence, remembring it is an Addreſs to one infinitely *Greater* than our ſelves, even to the God we daily worſhip. We ought to think upon his All-ſeeing Eye, his Almighty Arm, and his utter deteſtation of all Falſhood; we ſhould conſider well the Glory of his Majeſty, the Infiniteneſs of his Wiſdom, the Exactneſs of his Truth, the Severity of his Juſtice, and the Terror of his Wrath; and this would make us call him to Witneſs even the moſt certain Truth with holy Fear and Reverence; This would inſtruct us, *not to be raſh with our Mouths, nor haſty to utter any thing before God, who is in Heaven, and we upon the Earth*, Eccleſ. V. 2. 'Tis evident, that all

Nations have ſo fully believed the Sacredneſs of an Oath, that they have endeavoured to make it as Solemn and Venerable as they could. *Orpheus* impoſed an Oath upon his Scholars (not to reveal the Secrets of his Art to Profane Ears) *with all the Authority which Religious Terror could give it* (a).

(a) Julius Firmic. *præf. ad 7. lib.* Math.

It would be too tedious to reckon up all the Religious Ceremonies by which the *Gentiles* made their Oaths Sacred: their uſe of *Prieſts* and *Temples*, *Altars* and *Sacrifices*, on this Occaſion, were all intended to teach Men that Golden Precept of *Pythagoras*, Σέβου Ὅρκον *To Reverence an Oath*, and to mind them, that they did Swear by a Greater than themſelves. It may ſuffice to remark that among the *Jews* (who had nothing in higher eſteem than the Book of the Law) He that took an Oath *was to ſtand up, and take the Book of the Law in his hand, and to Swear by the moſt Holy Name, or ſome other Name of God in the form of Invocation, or Execration, out of his own Mouth, or out of the Mouth of the Judge* (b). And they ſay, this is as much as if they ſwore by all that is written in that moſt holy Book (c). In like manner the Chriſtians in ſolemn Swearing

(b) Maimon. *tract.* Sheb. *cap.* 11. Moſes Mikotz. *præcep. aff.* 123.

(c) *Idem præcep. Negat.* 241.

ing were wont to lay their Hands upon the *Holy Goſpels*, a Cuſtom at leaſt as ancient as the Emperor *Juſtinians* Time, who mentions it in his Laws (*d*); and he himſelf is recorded to have held the *Goſpels* in his hand while he made a Publick Oath, *An.* 535 (*e*); and that this was a Cuſtom univerſally obſerved in thoſe days, may be ſeen by divers Inſtances in *Procopius* (*f*). And this Rite hath been uſed ever ſince, the Perſon who Swears being to ſay, *As God ſhall help me, and the Contents of this Book:* which is ſo great and dreadful a Wiſh, that none who underſtand and conſider it can ſpeak it without trembling; for ſince all our hopes of Heaven depend upon Gods help and the Promiſe of the Holy Goſpel, We thus devote our Souls to Damnation if our Aſſertions be not true. And for this cauſe due Care ſhould be taken in all Courts of Judicature, that Oaths ſhould be adminiſtred with all Gravity and Religious Reverence, and, if poſſible, by thoſe of the greateſt Authority preſent. Since the outward Solemnities in all Religious Acts have a mighty influence on the Mind, and do tend to make Men perform them more ſeriouſly and de-

(d) Ἀσπαζόμενος τῶν ἁγίων Εὐαγγελίων ὀμνύναι. Juſt. *Authent. collat.* 9. *Tit.* 7. *Nov.* 124. *Cap.* 1. *p.* 176.

(e) *Chronic.* Alex. *An.* 535. *p.* 91.

(*f*) Procop. *in* Vandal, *l.* 2. *p.* 121, & *p.* 131.

devoutly. Yea, it ought to be conſidered, Whether the ſlight and irreverent giving of Oaths (too common in our Courts of Juſtice) do not give Ignorant and Evil men too much occaſion, to think the breaking of them to be a light matter: it would be an infinite Scandal, if we ſhould ſay our Prayers, or receive the Sacrament in ſo haſty and ſlight a Manner; yet an Oath is a part of Gods immediate Worſhip, as well as Prayer and Sacraments, and this is as direct an Addreſs to God as either of thoſe; yea, we may reckon this the more dreadful, ſince *there* we only make Applications to his Mercy, *here* we devote our ſelves to his Juſtice; ſo that our Oaths ſhould be made as ſolemnly as our Prayers. And here I can but obſerve the Piety of the Ancients, who Ordained, *Oaths ſhould be taken Faſting*. A Rite of equal Piety and Antiquity, for *Abimelech* and *Iſaac* had their Federal Feaſt over Night (ſaith the Text) *They roſe early in the Morning and ſware one to another*, Gen. xxvi. 31. as being then Faſting, and fit for this great Act of Religion. And it is probable, the frequent uſe of Oaths in Judgment, was the cauſe why of Old all Judicial Enquiries were

were made in the Morning: *Execute Judgment in the Morning*, ſaith *Jeremy* (g); and, *Wo be to that Land* (ſaith *Solomon*,) *whoſe Princes Eat in the Morning* (h), that is, before they have ſat in Judgment. *Socrates* alſo was wont to ſay, *The Evening is for Feaſts, the Morning for doing Juſtice* (i). Yea, there is an Ancient *Gallican* Law of *Charles* the Great, which Commands, *That Courts of Juſtice ſhall be holden Faſting* (k), that ſo both the Givers and Takers of Oaths might be ſerious, and fit for this ſo Solemn piece of Religion. And, becauſe *Matrimony* it ſelf is a Religious Oath, therefore our Old Canons fixed the celebration of it to be between the Hours of Eight and Twelve; that ſo the Parties might make that Oath *in their Faſting-Spittle* (l), as the words of the Canon are. All which ought to inſtruct and admoniſh thoſe in Power, to Reform as much as in them lies, the ſcandalous and miſchievous Corruption of ſlight giving Oaths in Judgment, and to reduce this piece of Religion to its due Eſteem amongſt us.

(g) Jer. 21. 12.

(h) Eccleſ. 10. 16.

(i) *Veſpere convivium mane judicium. Dict.* Socrat.

(k) *Placitum tenere Comes niſi jejunus non debet.* Capit. *l.* 3. *c.* 38. & 3. Cap. *An.* 803. *c.* 15.

(l) *Synod.* Winton. *An.* 1308. *apud* Spelm. *Concil. T.* 2. *pag.* 448.

Secondly, The Text informs us of the Reaſon of an Oath, or the Cauſe which moves

moves a Man to take it; which is, that it may be (εἰς βεβαίωσιν) *For Confirmation.* The Heart of Man is deep and deceitful, ſo that none but only God knows whether mens Words and Hearts agree: And Evil men (being aſſured no Mortal can diſcover their Thoughts) hence preſume, for Gain, or to favour a Friend, yea to hurt a Foe ſometimes, to ſpeak what they know to be falſe. But though no Man can diſprove them, the God of Truth ſees their Hearts; And therefore All Nations have uſed to enjoyn Men, to call upon the All-ſeeing God to atteſt the Truth of what they ſay, with a wiſh of deſtruction to Themſelves, if the Divine Majeſty, who knows their Thoughts, do not allow their Words for Truth. And becauſe it may well be ſuppoſed, none will dare to do this open Affront to the God of Heaven, nor expoſe themſelves to his Vengeance, who will diſcover, and can deſtroy them if they ſpeak falſly: Therefore an Oath is the *moſt ſolemn Confirmation of what we affirm in doubtful Caſes, the readieſt way to gain credit to our Words, and the moſt Sacred ſecurity we can give for our Truth and Veracity* (*m*). Hence *Philo* calls it, *The firmeſt Pledge of our Fidelity:*

(m) Τὸ τὴν πίστιν βεβαιῶσαι χάριν ἀπτόμενοι καταφεύγουσιν, ἐφ' ὅρκον οἱ ἄνθρωποι. Philo, *de Sacr.* Cain & Abel, *p.*146.

Fidelity: and *Diodorus Siculus*, *The greateſt aſſurance of Faith among Men. Our Anceſtors* (ſaith *Cicero*) *eſteemed no Bond ſo ſure to bind us to be Faithful, as an Oath; the Law of the Twelve Tables ſhews this, the Sacrifices, and the Leagues by which we bind our ſelves to be true to our very Enemies, ſhew it* (*n*). And this is the Reaſon why all the World hath uſed Oaths in Judicature, to be as a Pledge and Security for the Truth of that Evidence given there, upon which all Cauſes uſually depend. And though ſome might ſpeak the Truth there without an Oath, as many good Men would perform their Promiſe without a Bond; yet the difficulty of diſcerning honeſt Men from Hypocrites, makes this Caution neceſſary: And all Witneſſes in Judgment are required to *uſe an Oath for Confirmation* of what they ſay (*o*), unleſs their peculiar Character give them ſuch credibility as to exempt them; on which ground *Jupiters* Prieſts of Old, and the Chriſtian Clergy in the Middle times, as alſo the Nobility in Our days, have been excuſed from *Formal Oaths*, as I could eaſily prove. But generally, Oaths are thought ſo neceſſary in Judgment, that in the Old

(*n*) Cicer. *Offic. lib.* 3.

(*o*) Μετ' ὅρκου ὥσπερ ἐν δικαστηρίῳ τὰς μαρτυρίας ἀποδίδοντες. Plut. *de Audit. pag.* 46.

Canons, it is the ſame thing to ſet down the Days in which no Oaths ſhall be taken, and to fix the Times when no Cauſes ſhall be Tried: So that the firſt Original of our *Non-Term* and *Vacation* in Law Proceedings are derived from the Canons which prohibit the *Uſe of Oaths* at thoſe Times (*p*). But to proceed; Since an *Oath* is ſo Solemn a *Confirmation* of our Truth, by calling God to Witneſs, the *Pythagoreans* allowed none to Swear in Light matters, eſpecially not in a trifling Action for a ſmall Debt (*q*); and *Clinias*, a Philoſopher of that Sect, choſe rather to pay three Talents unjuſtly, than to free himſelf by an Oath (*r*). Which Example may juſtly ſhame many Chriſtians, who trouble our Courts, and engage many to Swear on far leſs occaſion. Again, the ſame *Pythagoreans* permitted none to Swear concerning Things contingent, future and uncertain; affirming, it was neither fit nor ſafe to Swear in ſuch Caſes (*s*). The *Grecian* Laws alſo admitted none to Swear what they heard by Hear-ſay only: And the Ancient *Germans* ſuffered not an Oath to be taken, but when there was no other way of finding out the Truth (*t*).

For

(p) *Vide* Selden, *Synedr. l.* 2. *c.* 11. *p.* 303.

(q) Ἕνεκα δὲ χρημάτων μήδενα θεὸν ὀμοσῇς. Iſocr.

(r) *D.* Baſil. *hom.* 24. *Nec deus interſit, niſi dignus vindice nodus.*

(s) Ὅτε ἄξιον ἐπ' αὐτοῖς ὀμνύναι ἢ τ' ἀσφαλές. Hierocles.

(t) *In his, vero cauſis Sacramenta præſtentur, in quibus nullam probationem diſcuſſio judicantis invenerit. Leges* Bajoar. *apud* Capitular. *T.* 1. *p.* 119. *Tit.* 8 *c.* 16. *An.* 630.

For ſince every Man that Swears, pawns his Soul in Security for his Integrity, this ought not to be required but in weighty Cauſes, nor to be taken but on Sure grounds. This is a Mans laſt Security for his Truth, and if he once falſifie this, none can ever Truſt him after, no Bond can hold him: Which our Noble King *Henry* the Firſt well knew, when he generally refuſed the Popes baſe Offer to Abſolve him from his Oath, ſaying, *Who will ever truſt another hereafter, when they ſee by my Example, an Abſolution can make void the higheſt Bond of Faith* (*u*). Now, from this account of the Reaſon of Taking an Oath, *to be for Confirmation*, we ſhall draw this Inference:

(*u*) Eadmeri *hiſtor. l.* 5. *pag.* 126.

That it is a huge Folly, and a great Impiety, to uſe *Oaths* upon a ſlight occaſion, or in Common diſcourſe, where there can be no need of this high and Sacred confirmation of our Words by God's Name, unleſs we have ſo ill behaved our ſelves that none can Truſt us, without Pawning our Souls for every thing we ſay; yet by uſing this Religious and Sacred *Confirmation* to every Trifle, we make our very Oaths ſo cheap and contemptible, that we are Truſted

the leſs, and not the more, for our Vain-Swearing. But, beſides the Folly of this vile Cuſtom, it is a grievous Sin, being the moſt expreſs breach of the Third Commandement, and the moſt profane way of *Taking the Name of God in Vain*; and though Men may account this a ſmall Fault in themſelves, or their Friend, God (who is to be our Judge) *will not hold them guiltleſs* who commit it: *He will not clear them, nor let it go unpuniſhed, He will certainly condemn them in the Laſt Judgment* (w). As the other Tranſlation reads that dreadful place. And as this Sin is condemned in the Old Law, ſo this Swearing in our *Communication*, is ſtrictly forbidden above all things (*James* V. 12.) in the New Teſtament. Yea, the very Heathens condemn the Common uſing Gods Name (x); and *Hierocles* very expreſly ſaith, *We muſt not uſe an Oath frequently, nor on ordinary Occaſions, nor for filling up our Diſcourſe, nor to confirm every Story we relate; —for by the Cuſtom of Swearing often, Men ſoon fall to Swear falſly:* which is the ſame with that of S. *James*, *—leſt we fall into Hypocriſie.* It is no doubt a horrid Impiety, to make the Dreadful Name of GOD, and his Terrible Attri-

(w) LXX. Οὐ μὴ καθαρίσῃ. *Non impunitum dimittit.* Vatab. *Neque enim non reum habebit eum Dominus in die Judicii magni.* Chal. *Par.*

(x) Τῶν Θεῶν ὀνόματα μὴ χρᾴνειν ῥᾳδίως. Plato.

Attributes ſo cheap and vile, as to bring them to Atteſt the moſt fooliſh, falſe, or filthy things, which we vent in the Vaineſt Company; and argues a Mind that either denies the Being of God, or at leaſt forgets his Power; and beſides, that it is the moſt daring Abuſe to Heaven, it is alſo a high Affront to all the Publick Judicatories in the World, ſince the higheſt Security that can be given for our Truth there, the moſt Sacred Bond of Human Society, the moſt Religious Pledge of a Mans Fidelity, on which all our Lives and Fortunes may depend; is by this bold Impiety rendred Mean and Contemptible, proſtituted to the Scorn of the Atheiſtical and Profane, yea, and made as Weak and unſecure, as it is Common and deſpiſed. A Sin without any Temptation to invite to it, or any Excuſe to be made for it; having neither Honour, Pleaſure, nor Profit in it, unleſs we count it Reputation to Diſhonour God, Pleaſure to play with Thunder, or Profit to deſtroy thoſe Immortal Souls of ours, that are of more Value than a Thouſand Worlds: A Wickedneſs taken up only by Imitation, and got by the curſed Society of the Debauched and Profane;

ſane; and the continuance in it is the more unpardonable, becauſe it may eaſily and certainly be amended, by a few ſerious Thoughts of God's Majeſty, by uſing the Company of Grave and Pious Men, and either giving them the freedom to admoniſh us, or impoſing a ſmall Penance on our ſelves for every Offence, till the wretched Cuſtom be overcome. Surely, none but a Profeſſed Atheiſt doth ever commit this Crime, but meerly by Inconſideration; and therefore all others (I hope) may eaſily be reduced by thoſe Methods, from the Profaning Gods holy Name, and expoſing this Venerable part of Religion: to which, if this Diſcourſe may be ſubſervient, I ſhall rejoyce that I have reſcued the Sacredneſs of Oaths from any degrees of Contempt.

Thirdly, I ſhall proceed to the laſt Particular in the Text, *viz. The end of an Oath*, or the Cauſe moving Magiſtrates to require it, that it may be *an End of all ſtrife:* for the Accuſer impeaches, and the Accuſed pleads Not Guilty, the Plaintiff demands, and the Defendant denies; this is literally, Ἀντιλογία, *Controverſie*, or *Strife*; and leſt theſe contrary Speeches ſhould produce perpetual Wrangling,

Wrangling, the Witneſſes Oaths are required, that by the Truth they ſpeak, for which they bring in Almighty God for their Voucher, the Cauſe may be determined, and the Strife ended. And from this uſe of an Oath, by the Name of God, the Divine Majeſty himſelf doth, as it were, Judge between the Parties; and ſo I underſtand that Common Phraſe of being tried, *By God and our Country*, to ſignifie, *By the Witneſſes Oath, and the Jurors Verdict*: for *Juſtinian* ſaith by this uſe of Oaths, *Men ſeem to enter a Holy Temple when they come before a Tribunal—and God, rather than Man, appears to decide the Cauſe* (y). Truth (as the Ancients ſpeak) lies in a deep Pit, and if any thing will draw it out, it muſt be the *Fear of God*, who is thus ſet before the Witneſſes Eyes, to engage them by all their hopes of Mercy, to ſpeak *the Truth, the whole Truth, and nothing but the Truth*: And therefore, not only the Apoſtle, but the Civil Law, calls it, *The beſt Means to determine Cauſes* (z). And the common Conſent of Mankind, hath made all our Lives, Liberties, and Eſtates, to depend upon an Oath whenſoever they are in queſtion, ſuppoſing this to be the ſureſt and moſt Sacred guard unto them. Nor is it without great reaſon,

(y) *Pro judiciis putabant homines ſe in Sacrariis ſiſti—& pro hominibus Deum in omnibus cauſis judicem eſſe.* Cod. *l.* 2. *Tit.* 59. *l.* 3. §. 8. *p.* 83.

(z) *Maximum dirimendarum cauſarum remedium.* Cod. *ibid. p.* 83.

reaſon that ſo much ſtreſs is laid upon Religious Oaths, ſince though another Man ſeem thereby to have our Lives and Eſtates in his Power; yet by this ſolemn Swearing He ſtakes his own Body and Soul, his Temporal and Eternal Welfare, againſt them: and ſince he can only bring us by a Falſe Oath under ſome Temporal Penalty, while he firmly devotes himſelf to Eternal Vengeance, he runs the greater Riſque, and loſes moſt of the two, who Swears falſly, if he do but rightly conſider it. For, as *Plutarch* notes, *Every Oath contains, either expreſly or implicitly, a Curſe on the Taker, if it be falſe* (a). And though theſe Curſes are variouſly expreſſed, and ſometimes only ſuppoſed, yet they are very dreadful: ſo that the *Jews*, who might not uſe Ominous words, choſe rather to Swear Elliptically, than to expreſs what was ſo horrid: So *Moſes* Swears (b)—*if you have not the Land*, and there ſtops; but we are to underſtand, *Let me ſuffer all the Plagues due to Perjury*: yea, God himſelf imitates this form, *I ſwear in my Wrath, if they ſhall enter into my reſt*, *Hebr.* iv. 3. where again the Curſe is underſtood. And the Scholiaſt upon *Ariſtophanes* obſerves, *It was an Ancient Cuſtom thus to Swear Ellip-*

(a) Πᾶς ὅρκος εἰς κατάραν πλάτῃ τῆς ἐπιορκίας. Plut. *queſt. Rom.*

(b) Joſh. 14. 9.

Elliptically to avoid all Ominous words(c). Yet ſometimes theſe words were expreſſed in moſt terrible forms againſt the *Gentiles*, *Let the gods deſtroy me*(d); *Let the Divine Vengeance fall upon my own head, and my whole Family* (e). And to make this more Solemn, they uſed divers Ceremonies, as that of caſting away a Stone, and wiſhing, *The gods might ſo caſt them out of all* (the City and Capitol being ſafe) *if they did wittingly Swear falſly* (f). So alſo the killing of ſome Beaſt in Sacrifice, and wiſhing, *They might be ſo ſlain, if they did not ſpeak Truth* (g): And the quenching a Flaming Torch ſuddenly, and praying, *Their Life and Light might be ſo put out, if they deceived* *; Which laſt Ceremony was ſometimes uſed amongſt Chriſtians, and was ſolemnly performed in this Nation, when the Oaths were taken to confirm *Magna Charta*. And though in our Modern Courts we now abſtain from Ominous Words, contenting our ſelves with that very Ancient Form, *So help me God* (h), yet the Senſe duly conſidered, is as high, as full, and as terrible as any of the former; for if we Swear falſly, we wiſh, *That Gods Grace and Favour, his Mercy and Providence, may forſake us; that he may never help us here nor hereafter, but leave us to periſh in this World, and in the World to come*. And oh, how dreadful an Im-

(c) Μὰ τὸν Ariſtoph. *Ran.* 5.2: *Scholiaſt.* ἑλληνικῶς ὀμνύειν ἔθος τοῖς ἀρχαίοις — εἰώθασι δὲ τοῖς τοιούτοις ὅρκοις χρῆσθαι ἐπιδημιζόμενοι. Ibid.

(d) Sueton. Tiber. *c.* 21.

(e) Plin. *Panegyr.*

(f) Feſtus *de verb. ſignif. verb.* Lapis, *p.* 82.

(g) Liv. *hiſt.* Rom. *lib.* 21.

* Polybii, *hiſtor. lib.* 3.

(h) *Ita me dii ament.* Plaut. Bacchid. 4. 8. *Ita Deos mihi velint propitios.* Cicero *de Divin.*

precation is this, *He that after his Pledge given for his Truth, dares tell a Lie for favour or Malice, neither fears God, nor loves himself; he is a desperate Wretch, unfit for Human Society, and really doth far more mischief to himself than to his Adversary.* And since an *Oath* is thus guarded, we may well be content it should end all Strife among us, for no greater Security under Heaven can be given or devised. Now from this description of the *End of an Oath*, we will observe,

That Perjury, especially in Courts of Justice, *is a heinous and horrid Impiety:* the very End of these Courts is to find out *Truth*, and But to speak *falsly* there, though by such as are not upon their Oath, is to affront the *Vice-gerents* of God, and wickedly to design to *pervert Judgment*, as well as to make that *holy Institution* useless, which is the great Security of all Societies. But when Men come to Swear, *God* himself is directly appealed to, the *Searcher of all Hearts* is set upon the Tribunal, and the Perjured Wretch *Lies not unto Men, but unto God*, Acts V. 4. He defies the *King of Heaven* to his face, and affronts him openly in some of his tendereſt Attributes, disbelieving his *Truth*, trampling on his *Justice*, and despising his *Power*; yea, he makes (as much as in him lies) the *Righteous God* a Party to that *Falshood*, by which he

he Murders or Robs his Neighbour; saying, as *Philo* hath elegantly expreſſed it, *O God, I ſhould not be believed but for thy Name, and therefore I uſe thee for the Cloak of my Injuſtice; I would not be diſcovered in my ſin, do thou help me, and take the blame on thy ſelf; for though I am a Tranſgreſſor by thy Name, I ſhall paſs for an Honeſt man; thou neither loveſt Truth, nor puniſheſt Falſhood* (*i*). This horrid Blaſphemy is the import of all Perjury, the very Image of the Falſe-Swearers Thoughts, and can any thing be more wicked? This accurſed Sin, not only flies in the Face of God, but by gilding *fatal Lies* with his Name, miſleads that Sacred Authority he hath ſet over us for ſecuring our Rights, and endeavours to make that the Inſtrument of their Revenge and Cruelty; it impoſes upon the moſt upright *Juries*, with deſign to make them Partners in the Crime; it robs an Innocent man of his *good Name*, his *Eſtate*, his *Liberty*, nay, his very *Life*, if their *falſe Witneſs* be believed: Or if the *Jurors* be the *Perjured Men*, in ſpight of all Evidence, it reſcues the greateſt and moſt dangerous Malefactors (by a *Partiality* that defies Heaven) from the Juſtice of the Law, and encourages not only them, but others to commit the like Crimes. And whoſoever they be, *Jurors* or *Witneſſes*, who regard not their *Oaths*, They

(*i*) Philo *de legibus in Specie differ.*

do what in them lies, to *ſubvert* the Laws, to *take away* the Adminiſtration of Juſtice, and to *ruine* the Community they live in, by baffling this Great and Sacred Inſtrument of our Peace and Safety. If they do this for *Fear* or *Favour*, it ſhews they value *Men* more than *God*, and dare purchaſe Their Love with his utmoſt Diſpleaſure: If they are Perjur'd for *Hire*, they ſell their Souls for a Vile Price, and purchaſe a *Reverſion* in Hell, which they ſhall inherit for ever: If they do it in *Malice*, it is like the Crime of *Witches*, who give their Souls to the *Devil* for ever, to be enabled to do a tranſient harm to their Neighbours. And whatever be the *Principle* it ſprings from, yea, and whatever event it have as to the Party Accuſed, the Perjur'd Man devotes himſelf to all the *Curſes* in Gods Book, and cuts himſelf off from all hope of the *Divine Help* for ever; and therefore the Old *Romans* allotted no Human Puniſhment for this Sin, but left the *Criminal* to the more terrible Vengeance of the *gods*, who were moſt directly affronted by it (*k*); the *Greeks* believed, it brought ruine and deſtruction to the *Man*, and all his *Poſterity* (*l*). Yet, leſt theſe who fear none but *Human Penalties* ſhould be hardened by Impunity from *Men*, (for if they dreaded the Vengeance of *God* they durſt not commit this Crime) therefore

(*k*) Tertul. *Apol. c.* 28. *Item Reſcript.* Alex. Aug. *Imp.*

(*l*) Heſiod. ἐργ' χ ἡμ.

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it was Ordained, that *if any were convict of Perjury, who had ſworn on the Holy Goſpels, his Tongue ſhould be cut out, as of no uſe for ever after* (*m*). And all Laws deprive theſe Wretches of the Priviledge of *giving Teſtimony* in any other Cauſe, and their *Credit* is Eternally blaſted. The *Indians* cut off their *Fingers* and *Toes*, to reduce them to Beggery and Shame; the *Egyptians* put them to *Death*, as unworthy to Live among Mankind after ſo inexcuſable a Wickedneſs. But whatever they ſuffer here, *Damnation* doth await them in the next World, unleſs they do Repent ſincerely, and make Satisfaction alſo. But I hope, we need aggravate this Crime no further, but having ſurveyed all the Particulars of the Text, may now paſs to the Application. And that which naturally follows from the Premiſſes, is,

(m) *Eclog.* Leonis & Conſtant. *Tit.* 28. §. 2.

First, That all Perſons concerned be very Cautious in *taking Oaths*, and that when they come to Swear, they do it with all *Religious Fear* and *Reverence*; not only as being immediately in Gods Preſence, but as making a direct Appeal to him, and offering their *Souls* as a Pledge for the *Truth* of what they ſhall ſpeak; and though the thing they Swear be never ſo True, yet this Application is ſo venerable, and ſo high a piece of Religion, that it ought to be done with all *Gra-*

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vity and *humble Reverence*; and if they be ſo taken, to confirm a known and certain *Truth*, they do exceedingly tend to the *Honour of God*, and to the *Beneſit of Mankind*, and are ſo very lawful, that we may as well ſcruple to make Application to Gods *Mercy* in Prayer, as to his *Truth* in Solemn Swearing, on a Juſt Occaſion; eſpecially, ſince it is evident by Reaſon and Univerſal Practice, that the *World* cannot well be Governed, nor *Juſtice* Diſpenſed without them; and it is the Abuſe of them, not the Serious and Juſt uſe of *Oaths*, that ought to be avoided.

Secondly, When we have taken them, let us be very fearful of breaking them, and make Conſcience of anſwering and acting in every Point agreeable to what we have Sworn; let us fear no *Anger*, but that of *Heaven*, nor ſeek no *Favour*, but that of *God*, nor wiſh for any *Gain*, but the *Peace of a good Conſcience*. We ſee, that the Laws of *God* and *Men* have put the *End of all Strife* upon our *Fidelity*, ſuppoſing we are *Chriſtians* and *Honeſt men*, who Fear the *Lord of Hoſts*, and value our own *Souls*, and we have given the greateſt Security under Heaven, that we will be Impartial. Now, how vile and infamous a Crime will it be in us, to betray his Truſt, to abuſe the *Judge of all the World*, and his *Vice-gerents*, to wrong the *Innocent*,

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and destroy our own Souls? One would imagine, nothing could tempt a Rational Man to such an Act; if the too frequent and sad Experience of *Opposite*, yea of *Contradictory Oaths* (in this Impious Age of ours) did not convince us, that nothing is too monstrous or unreasonable for an *Ill Man* to do. If *Popish Zealots*, by Assurances of *Dispensation*, were the only Persons, who assumed the Impudence to commit this Crime, it would not be so very strange: But for Us, who say, *No Power on Earth can Cancel this Sacred Bond of an Oath*, for Us to Perjure our selves, is at once our Shame, and the Worlds Wonder; doubtless such Men deserve not only the bare Punishments of the Law, but to suffer an Universal Detestation, that as they are the *Bane* of our Government, the *Scandal* of our Religion, and the *Enemies* of God, so they may be esteemed and treated as the *Foes* of all Mankind, until by *Sorrow* and *Repentance* they shall own their *Faults*, and return to a better *Mind*.

Finally, Let us Bless the *Holy Name of God* for our Good Laws, and the Security we enjoy by them, since no Man can hurt us in *Body*, in *Goods*, or *Good Name*, without venturing the *Damnation* of his own Soul; we have excellent Methods to find out the *Guilty*, and clear the *Innocent*. And though

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though Evil Men will claim *unjuſtly*, accuſe *falſly*, or deny their *Guilt* impudently, yet while we have ſo *Juſt* and ſo *Prudent Magiſtrates* on Earth, and ſo *Righteous* and *Powerful* a *GOD* in Heaven, we may rationally hope, that all *Perjury*, *Falſhood*, and *Injuſtice*, ſhall be diſcovered either Here, or Hereafter. *Cicero* mentions a Falſe-witneſs at *Rome*, who was ſtruck Dumb juſt as He was pronouncing that part of his Oath, —*If I willingly ſpeak falſly* (*n*). But if ſuch Vengeance be not Now preſently executed, let us not deſpair; for there is a Great *Aſſize* coming, where all *Errors* in Judgment ſhall be rectified, and all *Falſe-Swearers* diſcovered and condemned. But it would prevent many a ſad Sentence at that *Dreadful Day*, and hinder all Publick *Injuſtice* here, if all that are called to this Duty would very ſeriouſly remember, That *They Swear by the Greater*; and ſo their *Oath for Confirmation*, would ever be a Juſt *End of all Strife*: *Which God of His Mercy grant, for Jeſus Chriſts ſake; to whom, with the Father and the Holy Spirit, be all Honour and Glory, now, and for evermore*, Amen.

(*n*) Cicero, *Epiſt. l. 7. ep. 1.*

FINIS.